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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/021,220

12/11/2001

Jean-Francois Frigon

266/071

1112

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EXAMINER

TALAPATRA, ANIKA F

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/021,220

Applicant(s)

FRIGON, JEAN-FRANCOIS

Examiner

Anika F. Talapatra

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 0201.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-24 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 4-11, 15-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of: ^
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/11/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) submitted on 11 December 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Specification***

2. The disclosure is objected to because of the following informalities: Page 22, line 5, reads "...has bee achieved." This is incorrect. The corrected phrase should read "...has been achieved." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States

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and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3 and 12-14 rejected under 35 U.S.C. 102(e) as being anticipated by Scherzer (U.S. Patent 6347234) (hereafter referred to as Scherzer).

As to claim 1, Scherzer teaches a method for synchronizing a mobile terminal to a wireless network, comprising: a mobile terminal receiving a signal, comprising at least 2 diversity branches and two filters (figure 1); processing the received signal to determine at least one diversity output value; processing the diversity value to determine the synchronization code; and synchronize a local oscillator of the mobile terminal (column 9, lines 45-58; column 16, line 23- column 17, line 23).

As to claim 12, Scherzer teaches a method for synchronizing a mobile terminal to a wireless network, comprising: a mobile terminal receiving a signal, comprising at least 2 diversity branches and two filters (figure 1); processing the received signal to determine at least one diversity output value; comparing the diversity value to a predetermined threshold (column 9, line 59- column 10, line 18); processing the diversity value to determine the synchronization code; and synchronize a local oscillator of the mobile terminal (column 9, line 45- column 10, line 18; column 16, line 23- column 17, line 23).

As to claims 2 and 13, Scherzer teaches a method for synchronizing a mobile terminal to a wireless network, further comprising: determining the absolute value of each diversity branch (column 16, lines 53-60); and selecting the largest absolute value, thereby determining the diversity output value (column 16, line 61-64) (column 16, line 23- column 17, line 23).

As to claims 3 and 14, Scherzer teaches a method for synchronizing a mobile terminal to a wireless network, further comprising: determining the absolute value of each diversity branch (column 16, lines 53-60); and combining

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the output values (column 6, lines 39-49; column 12, line 55- column 13, line 10; column 21, line 1-8).

### ***Allowable Subject Matter***

4. Claims 4-11 and 15-22 are objected to as being dependent upon a rejected base claim, respectively, 1 and 12, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 23-24 allowed.

6. The following is an examiner's statement of reasons for allowance: A comprehensive search of prior art failed to teach, either alone or in combination, a method for synchronizing a mobile terminal to a wireless network, comprising the steps in claims 4-11 and 15-24.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- i. U.S. Patent 6356605, Hosur et al.;
- ii. U.S. Patent Application Publication 2003/0076875, Oates;
- iii. U.S. Patent 5790588, Fukawa et al.; and

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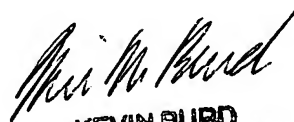
iv. Fechtel, et al. 1993. Combined Equalization decoding and antenna diversity combining for mobile/personal digital radio transmission using feedforward synchronization. IEEE, pages 633-636.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anika F. Talapatra whose telephone number is 571-272-6039. The examiner can normally be reached on Monday to Friday, 08:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.T.

  
KEVIN BURD  
PRIMARY EXAMINER